FILED ON: 1/5/2010

## HOUSE . . . . . . . . . . . . . . . No. 4495 [LOCAL APPROVAL RECEIVED.]

## The Commonwealth of Massachusetts

PRESENTED BY:

Cleon H. Turner, Robert A. O'Leary

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to a road maintenance revolving account in the town of Brewster.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cleon H. Turner	1st Barnstable
Robert A. O'Leary	Cape and Islands

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act relative to a road maintenance revolving account in the town of Brewster.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. The town of Brewster may establish a permanent and separate revolving funds account
- 2 which shall receive sums of money from time to time in accordance with this enactment. The
- 3 superintendent of the town's department of public works shall, subject to the selectmen's authority,
- 4 control and administer this fund, and the superintendent shall render annual accounts of the fund's
- 5 receipts, disbursements, and balances.
- 6 SECTION 2. This fund shall be known as the road maintenance revolving account, and consistent with
- 7 section six N of chapter forty of the General Laws, this account is established to provide, without expense
- 8 to the town, for the maintenance and upkeep of the numerous private ways serving the town's inhabitants.
- 9 Maintenance may also be performed on a private way's drainage facilities and associated features, but in
- accordance with said section six N, work will be of a temporary nature and will not include construction,
- 11 reconstruction, or resurfacing of private ways.
- 12 SECTION 3. When private way maintenance is desired, the town shall enter an agreement or
- 13 agreements with the party or parties requesting the work, and the superintendent shall determine the cost
- of that work. The town may charge a reasonable administrative fee for its services, and this fee shall be
- deposited into the general fund. The interested parties shall be responsible for paying the amount of the
- 16 cost and administrative fee in advance of the work, and the cost amount shall be deposited into the road
- 17 maintenance revolving account. The superintendent, with the approval of the Town Accountant/Finance
- 18 Director, shall expend these funds for only the maintenance and upkeep work for which they were
- deposited unless the town and the original interested parties otherwise agree. If, for any reason, the
- 20 maintenance work is not performed, the deposited sums shall be returned to the interested parties.

- SECTION 4. By a town meeting vote, the town may close this account and transfer to the general fund
- 22 any balance not needed to complete previously agreed maintenance.
- 23 SECTION 5. This act shall take effect upon its passage.